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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,736	03/01/2000	Jon C. Zaring	ODS-11	3221

7590

09/27/2002

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EXAMINER

STEWART, THEOPLIS E

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/516,736

Applicant(s)

ZARING ET AL.

Examiner

Theoplis E Stewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

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## ***Detailed Action***

### ***Information Disclosure Statement***

1. Notice to applicant: The information disclosure statement filed on 4-25-2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al U.S. Patent (6099409) in view of Ladue et al U.S Patent (5999808).

#### ***2-1. Regarding claim 1;***

Brenner discloses a method for interactive wagering on races with a cellular telephone comprising:

- allowing a user at the cellular telephone to access an interactive wagering service over a wireless communications path to obtain information on races that have not been run and for which wagers may be placed; (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")
- displaying the information on the races that have not been run and for which wagers may be placed on the cellular telephone; (Column 13, lines 17-21, "the user is presented with a menu listing which odds and statistics are available")
- displaying interactive options on the cellular telephone that allow the user to place a wager on a given race that has not been run using the cellular telephone. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

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Brenner does not explicitly disclose:

- wagering on races with a cellular telephone

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 1.

## 2.2. *Regarding claim 2;*

Brenner discloses:

- providing racing data from a transaction processing and subscription management system. (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account.

Brenner does not explicitly disclose:

- providing racing data to the cellular telephone from a transaction processing and subscription management system for display on the cellular telephone.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 2.

2-3. *Regarding claim 3;*

Brenner discloses:

- displaying interactive options to provide the user with an opportunity to initiate access to the interactive wagering service. (Column 2, lines 34-39, "It is therefore an object of this invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal receives racing data and video signals, displays the racing data on a monitor, and transmits wagers to a wagering facility.")

Brenner does not explicitly disclose:

- displaying interactive options on the cellular telephone that provide the user with an opportunity to initiate access to the interactive wagering service.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 3.

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2-4. *Regarding claim 4;*

Brenner discloses:

- displaying an interactive option to provide the user with an opportunity to initiate creation of a wager. (Column 2, lines 47-53, "allowing selection of a racetrack; a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to initiate creation of a wager.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 4.

2-5. *Regarding claim 5;*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to display race results. (Column 3, lines 15-18, "It is also an object of the invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal displays race results in the form of prerecorded race videos supplied to a user on demand.")

Brenner does not explicitly disclose:

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- displaying an interactive option on the cellular telephone that provides the user with an opportunity to display race results.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 5.

2-6. *Regarding claim 6;*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to view handicapping information. (Column 25, lines 14-24, "Another category of racing information that may be viewed is handicapping information. To view handicapping information, the user selects "handicapping". Making the selection "handicapping" moves the user FIG. 33, at which the user chooses between viewing handicapping data and creating a personal power rating. If the user selects "view handicapping data," various handicapping data screens are displayed, showing, for example, snapshot power ratings, speed/class ratings, pace ratings, and jockey/trainer information)

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to view handicapping information on the cellular telephone.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 6.

2-7. *Regarding claim 7;*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to select the racetrack for the given race. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to select the racetrack for the given race.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 7.



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2-8. *Regarding claim 8;*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to select the given race from a plurality of races at a plurality of racetracks. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to select the given race from a plurality of races at a plurality of racetracks.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 8.

2-9. *Regarding claim 9;*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to select a desired wager type for the wager. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to select a desired wager type for the wager.

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However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 9.

2-10. *Regarding claim 10;*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to select a horse on which to wager for the given race. (*Column 1, lines 16-17, "Wagering on sporting events such as horse, dog, and harness racing is a popular leisure activity."*) Whereas the user is able to select horse.

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to select a horse on which to wager for the given race.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

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The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 10.

2-11. *Regarding claim 11;*

Brenner discloses:

- displaying current odds for the wager in real time before the wager is placed. (Column 6, lines 32-35 "such program information may include early odds, early scratches, race descriptions (including the distance of each race and the race surface--grass, dirt, artificial turf, etc.)")

Brenner does not explicitly disclose:

- displaying current odds for the wager on the cellular telephone in real time before the wager is placed.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 11.

2-12. *Regarding claim 12;*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to select a wager amount for the wager. (Column 2, lines 47-53, "allowing selection of a racetrack, a

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set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to select a wager amount for the wager.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 12.

2-13. *Regarding claim 13,*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to create a new wager after the wager has been created. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to create a new wager after the wager has been created.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

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Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 13.

2-14. *Regarding claim 14;*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to place the wager by sending the wager to a transaction processing and subscription management system. (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.")

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to place the wager by wirelessly sending the wager to a transaction processing and subscription management system.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

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The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 14.

2-15. *Regarding claim 15;*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to delete a wager after the wager has been created. (Column 15, lines 15-17, "Shown at the bottom of menu are the menu options send/delete, more bets same race, more bets other race, and main menu.")

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to delete a wager after the wager has been created.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 15.

2-16. *Regarding claim 16;*

Brenner discloses:

- displaying an interactive option that provides the user with an opportunity to enter a personal identification number to ensure that the user is authorized to place the wager. (Column 4, lines 46-51, "Occasionally, the user may wish to transfer funds from a bank

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account into the wagering account at the wagering data management system. To do so, the user enters the amount to transfer and a personal identification code into the user terminal.")

Brenner does not explicitly disclose:

- displaying an interactive option on the cellular telephone that provides the user with an opportunity to enter a personal identification number to ensure that the user is authorized to place the wager.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 16.

2-17. *Regarding claim 17;*

Brenner discloses:

- provide the user with an opportunity to request account balance information from a totalisator in accordance with the present invention. (Column 24, lines 46-59 "the user's account balance is shown (as obtained, e.g., from the wagering data management facility. Also displayed is a menu of fund transfer amounts. The user selects the desired amount of funds to transfer from bank facility to his account at wagering data management facility by highlighting menu option transfer funds.)

Brenner does not explicitly disclose:

- using the cellular telephone to provide the user with an opportunity to request account balance information from a totalisator in accordance with the present invention.

However, Ladue discloses:

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- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 17.

2-18. *Regarding claim 18;*

Brenner discloses:

- using user television equipment to view race results for the given race on which the wager was placed. (Column 1, lines 13-15 "receiving racing videos and racing information via a medium other than conventional telephone lines and for displaying this information on a television monitor.")

Brenner does not explicitly disclose:

- using user television equipment to view race results for the given race on which the wager was placed with use of a wireless environment.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)



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Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 18.

2-19. *Regarding claim 19;*

Brenner discloses:

- using user computer equipment to view race results for the given race on which the wager was placed. (Column 1, lines 32-35) "In order to place wagers, the user must interact with a computerized telephone ordering system."

Brenner does not explicitly disclose:

- using user computer equipment to view race results for the given race on which the wager was placed in a wireless environment.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 19.

2-20. *Regarding claim 20;*

Brenner discloses:

- allowing the user to access the interactive wagering service over the communications path comprises using a data link to receive racing data from a transaction processing and subscription management system. (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is

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debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.)

Brenner does not explicitly disclose:

- allowing the user at the cellular telephone to access the interactive wagering service over the wireless communications path comprises using a wireless data link to receive racing data from a transaction processing and subscription management system.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 20.

2-21. *Regarding claim 21;*

Brenner discloses:

- allowing the user to access the interactive wagering service over the communications path comprises using a data link to receive racing data from a transaction processing and subscription management system, wherein the transaction processing and subscription management system receives the racing data from a racing data collection and processing system. (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.)

Brenner does not explicitly disclose:

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- allowing the user at the cellular telephone to access the interactive wagering service over the wireless communications path comprises using a wireless data link to receive racing data from a transaction processing and subscription management system, wherein the transaction processing and subscription management system receives the racing data from a racing data collection and processing system.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 21.

2-22. *Regarding claim 22;*

Brenner discloses:

- allowing the user to access the interactive wagering service over the communications path comprises using a data link to receive racing data from a transaction processing and subscription management system, wherein the transaction processing and subscription management system receives the racing data from a totalisator. (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.")

Brenner does not explicitly disclose:

- allowing the user at the cellular telephone to access the interactive wagering service over the wireless communications path comprises using a wireless data link to receive racing data from a transaction processing and subscription management system, wherein the transaction processing and subscription management system receives the racing data from a totalisator.

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However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 22.

2-23. *Regarding claim 23;*

Brenner discloses:

- adjusting an account of the user to reflect the outcome of the wager. (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.")

Brenner does not explicitly disclose:

- adjusting an account of the user to reflect the outcome of the wager in a wireless environment.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 23.

2-24. *Regarding claim 24;*

Brenner discloses:

- adjusting an account of the user to reflect the outcome of the wager and displaying results from the wager. (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.")

Brenner does not explicitly disclose:

- adjusting an account of the user to reflect the outcome of the wager and displaying results from the wager on the cellular telephone.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 24.

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2-25. *Regarding claim 25;*

Brenner discloses:

- providing the user with an opportunity to set a reminder for the given race. (Column 3, lines 19-22, It is also an object of the invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal alerts a user that a race is about to be run by triggering an alarm.”)

Brenner does not explicitly disclose:

- providing the user with an opportunity to set a reminder for the given race with the cellular telephone.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 25.

2-26. *Regarding claim 26;*

Brenner discloses:

- providing the user with a reminder for the given race. (Column 3, lines 19-22, It is also an object of the invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal alerts a user that a race is about to be run by triggering an alarm.”)

Brenner does not explicitly disclose:

- providing the user with a reminder for the given race with the cellular telephone.

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However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 26.

2-27. *Regarding claim 27;*

Brenner discloses:

- displaying a reminder for the race for the user(Column 3, lines 19-22, It is also an object of the invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal alerts a user that a race is about to be run by triggering an alarm.”).

Brenner does not explicitly disclose:

- displaying a reminder for the race for the user with the cellular telephone.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

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Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 27.

2-28. *Regarding claim 28;*

Brenner discloses:

- reminding the user of the given race by using automatic dialing equipment to place a telephone call and providing an audio reminder message. (Column 1, lines 13-15 "receiving racing videos and racing information via a medium other than conventional telephone lines and for displaying this information on a television monitor.")

Brenner does not explicitly disclose:

- reminding the user of the given race by using automatic dialing equipment to place a telephone call to the cellular telephone and providing an audio reminder message.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 28.

2-29. *Regarding claim 29;*

Brenner discloses:

- providing video for the given race. (Column 1, lines 13-15 "receiving racing videos and racing information via a medium other than conventional telephone lines and for displaying this information on a television monitor.")

Brenner does not explicitly disclose:



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- providing video for the given race to the cellular telephone.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 29:

2-30. *Regarding claim 30;*

Brenner discloses:

- providing the user with an opportunity to set a reminder for the given race. (Column 3, lines 19-22, It is also an object of the invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal alerts a user that a race is about to be run by triggering an alarm.")
- displaying the reminder for the given race on user television equipment. (Column 1, lines 13-15 "receiving racing videos and racing information via a medium other than conventional telephone lines and for displaying this information on a television monitor.")

Brenner does not explicitly disclose:

- providing the user with an opportunity to set a reminder for the given race using the cellular telephone;
- displaying the reminder for the given race on user television equipment in an wireless environment.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

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Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 30.

2-31. *Regarding claim 31;*

Brenner does not explicitly disclose:

- providing the user with an opportunity to set a reminder for the given race using the cellular telephone; and presenting the reminder for the given race to the user at a personal computer in a wireless environment.

It would have been an obvious manner of design choice to modify the teachings of Benner et al providing the user with an opportunity to set a reminder for the given race using the cellular telephone; and presenting the reminder for the given race to the user at a personal computer in a wireless environment.

Since the applicant has not disclosed that providing the user with an opportunity to set a reminder for the given race using the cellular telephone; and presenting the reminder for the given race to the user at a personal computer in a wireless environment solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Benner will perform the invention as claimed by the applicant with any method, means, or product.

2-32. *Regarding claim 32;*

Brenner discloses:

- a system for interactive wagering a transaction processing and subscription management system for handling wagers on races; (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a

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totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.)

- the transaction subscription management system and that has a display with which a user is provided with select a given race that has not been a wager may be placed. (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.)

Brenner does not explicitly disclose:

- a system for interactive wagering a transaction processing and subscription management system for handling wagers on races;
- a cellular telephone that is in wireless communication with the transaction subscription management system and that has a display with which a user is provided with select a given race that has not been a wager may be placed.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3).

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 32.

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2-33. *Regarding claim 33;*

Brenner does not explicitly disclose:

- cellular telephone is configured to information on the results of the given transaction processing and subscription system and is configured to display the given race on the display.

It would have been an obvious manner of design choice to modify the teachings of Benner et al providing the cellular telephone is configured to information on the results of the given transaction processing and subscription system and is configured to display the given race on the display.

Since the applicant has not disclosed that cellular telephone is configured to information on the results of the given transaction processing and subscription system and is configured to display the given race on the display solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Benner will perform the invention as claimed by the applicant with any method, means, or product.

2-34. *Regarding claim 34;*

Brenner does not explicitly disclose:

- receive odds for the given race from the and subscription management and is on the current the cellular telephone information on current transaction processing system before the given race has been configured to display the information odds on the display.

It would have been an obvious manner of design choice to modify the teachings of Benner et al providing receive odds for the given race from the and subscription management and is on the current the cellular telephone information on current transaction processing system before the given race has been configured to display the information odds on the display.

Since the applicant has not disclosed that receive odds for the given race from the and subscription management and is on the current the cellular telephone information on current transaction processing system before the given race has been configured to display the information odds on the display solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Benner will perform the invention as claimed by the applicant with any method, means, or product.

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**2-35. Regarding claim 35 and 36;**

Brenner discloses:

- a transaction processing and subscription management system for handling wagers on races that have not been run and on which wagers may be placed; (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.")
- user television equipment, user computer equipment, and non-cellular telephone equipment, wherein the equipment is configured to access racing data at the transaction processing and subscription management system and to provide information on wagers data to the transaction processing and subscription management system; (Column 1, lines 13-15 "receiving racing videos and racing information via a medium other than conventional telephone lines and for displaying this information on a television monitor.")
- racing data from the transaction processing and subscription management system and provides wagering data to the transaction processing and subscription management system and that has a display on which information on the races is displayed, wherein the cellular telephone is configured to allow a user to interact with options on the display to place a wager on a given race that has not been run, and wherein the equipment is configured to display information on race results for the given race after the given race has been run. (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.")

Brenner does not explicitly disclose:

- a transaction processing and subscription management system for handling wagers on races that have not been run and on which wagers may be placed;
- user television equipment, user computer equipment, and non-cellular telephone equipment, wherein the equipment is configured to access racing data at the transaction processing and subscription management system and to provide information on wagers data to the transaction processing and subscription management system;
- a cellular telephone that receives racing data from the transaction processing and subscription management system and provides wagering data to the transaction

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processing and subscription management system and that has a display on which information on the races is displayed, wherein the cellular telephone is configured to allow a user to interact with options on the display to place a wager on a given race that has not been run, and wherein the equipment is configured to display information on race results for the given race after the given race has been run.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 35 and 36.

2-36. *Regarding claim 37;*

Brenner disclose::

- computer equipment that handles wagers; (Column 1, lines 32-35)In order to place wagers, the user must interact with a computerized telephone ordering system
- allows a user to interact with options on the display to place a wager, and wherein wagering data for the wager is transmitted from the cellular telephone to the computer equipment. (Column 1, lines 32-35)In order to place wagers, the user must interact with a computerized telephone ordering system

Brenner does not explicitly disclose:

- computer equipment that handles wagers in a cellular environment;
- a cellular telephone having a display, wherein the cellular telephone is configured to allow a user to interact with options on the display to place a wager, and wherein wagering data for the wager is transmitted from the cellular telephone to the computer equipment.

However, Ladue discloses:

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- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 37.

2-37. *Regarding claim 38;*

Brenner discloses a cellular telephone interactive wagering system comprising:

- receive information on results of the wager and to display the information on the results of the wager on the display. (Column 3, lines 15-18, "It is also an object of the invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal displays race results in the form of prerecorded race videos supplied to a user on demand.")

Brenner does not explicitly disclose:

- cellular telephone is further configured to receive information on results of the wager and to display the information on the results of the wager on the display.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches; for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

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The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 38.

2-37. *Regarding claim 39;*

Brenner discloses:

- computer equipment is part of a transaction processing and subscriber management system. (Column 1, lines 32-35) In order to place wagers, the user must interact with a computerized telephone ordering system

Brenner does not explicitly disclose:

- computer equipment is part of a transaction processing and subscriber management system in a cellular environment.

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 39.

2-37. *Regarding claim 40;*

Brenner discloses:

- a transaction processing and subscription management system for handling wagers on races that have not been run and on which wagers may be placed; (Column 20, lines 54-58), "Subscriber facility provides wagering system with the capability to implement a variety of marketing and customer service related activities. For example, when the user



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desires to transfer bank account funds to his wagering account, a transfer authorization can be sent from user terminal to subscriber facility via communication line, where, after suitable processing, the transfer request is sent to bank facility. Bank facility may be at the user's bank, or an affiliated bank connected to a banking network capable of authorizing the requested transfer. After bank facility approves the requested transfer of funds, subscriber facility transmits suitable fund transfer instructions to wagering data management facility)

- equipment selected from the group consisting of: user television equipment, user computer equipment, and non-cellular telephone equipment, wherein the equipment is configured to access racing data at the transaction processing and subscription management system and to provide information on wagers data to the transaction processing and subscription management system; (Column 1, lines 32-35)In order to place wagers, the user must interact with a computerized telephone ordering system
- receives racing data from the transaction processing and subscription management system and provides wagering data to the transaction processing and subscription management system and that has a display on which information on the races is displayed, wherein the equipment is configured to allow a user to interact with options to place a wager on a given race that has not been run, and wherein the cellular telephone is configured to display account balance information for the user. (Column 20, lines 54-58, "Subscriber facility provides wagering system with the capability to implement a variety of marketing and customer service related activities. For example, when the user desires to transfer bank account funds to his wagering account, a transfer authorization can be sent from user terminal to subscriber facility via communication line, where, after suitable processing, the transfer request is sent to bank facility. Bank facility may be at the user's bank, or an affiliated bank connected to a banking network capable of authorizing the requested transfer. After bank facility approves the requested transfer of funds, subscriber facility transmits suitable fund transfer instructions to wagering data management facility)

Brenner does not explicitly disclose:

- a transaction processing and subscription management system for handling wagers on races that have not been run and on which wagers may be placed;
- equipment selected from the group consisting of: user television equipment, user computer equipment, and non-cellular telephone equipment, wherein the equipment is configured to access racing data at the transaction processing and subscription management system and to provide information on wagers data to the transaction processing and subscription management system;
- a cellular telephone that receives racing data from the transaction processing and subscription management system and provides wagering data to the transaction processing and subscription management system and that has a display on which information on the races is displayed, wherein the equipment is configured to allow a

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user to interact with options to place a wager on a given race that has not been run, and wherein the cellular telephone is configured to display account balance information for the user

However, Ladue discloses:

- transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering (Abstract, lines 1-3)

Brenner and Ladue are analogous art because they are from a similar problem solving area of interactive wagering.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering of Ladue with Brenner.

The motivation for doing so would have been to provide transmitting application specific messages over cellular radio system control channels and switches, for use in wireless gaming and wagering allowing flexibility and profit to gambling. (Abstract, lines 1-3)

Therefore, it would have been obvious to combine Brenner with Ladue to obtain the invention as specified in claim 40.

### Conclusions

Any communications concerning this communications or earlier communications from the examiner should be directed to Theoplis Stewart whose telephone number is (703) 305-5344. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) - 308-1113.

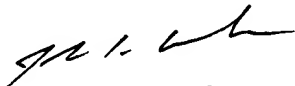
If in attempts to reach the examiner by phone is unsuccessfully, the examiner's supervisor, John Weiss can be reached at 703-308-2702. Responses to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C 20231

09-23-02



T.E.S

  
JOHN G. WEISS  
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